IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

RCRev..No. 10 of 2007()

{R.C.A.NO.222/2005 OF THE RENT CONTROL COURT, KOZHIKODE
IN R.C.P.NO.124/2003 OF THE ADDITIONAL MUNSIFF'S COURT-II, (RENT CONTROL COURT) KOZHIKODE}
.....

REVISION PETITIONER/APPELLANT/RESPONDENT:

MULLASSERI NARAYANAN, S/O.EPPERAN,
AGED 68 YEARS, CHERUVANNUR AMSOM DESOM,
P.O.KOLATHARA, KOZHIKODE TALUK.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS: RESPONDENT/PETITIONER:

KALLAMKUNNAN KUNHIPATHU,
W/O.AHAMMED ABBAS, AGED 48 YEARS,
CHERUVANNUR AMSOM, DESOM, P.O.CHERUVANNUR,
KOZHIKODE TALUK.

BY

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

R.C.R.No.10 of 2007

Dated this the 10th day of January, 2007.

O R D E R

Udayabhanu, J.

The revision petitioner, the tenant under orders of eviction as found by the courts below concurrently, has disputed the correctness of the findings of the courts below.

2. It is seen that the premises is sought to be evicted for conducting a stationery business by the husband, who is depending on the landlady and who is without any avocation. The evidence in the matter consisted of the testimony of PW.1, the husband of the landlady and the documents produced. The revision petitioner/tenant did not step into the witness box.

3. On a consideration of the judgments of the courts below, we find that the evidence adduced in the matter do establish the genuineness of the need set up by the landlady and also the fact that the revision petitioner is not entitled to the protection of the second proviso to Section 11 of the Kerala Buildings (Lease and Rent Control) Act [Act 2 of 1965] {hereinafter referred to as 'the Act'}. It was found that the revision petitioner is also running another business establishment. We find no reason to disturb the concurrent findings of the courts below.

4. All the same, considering the plea of the counsel for the revision petitioner that the petitioner needs six months' time to vacate the premises, the same is allowed on condition that

he shall remit the entire rental arrears and the rent due in future. He shall file an affidavit before the execution court undertaking that he shall vacate the premises on or before **10.7.2007** and also remit the rental arrears, if any, and also undertake to deposit the rent due in future. The affidavit shall be filed within 20 days from today.

The revision petition is dismissed in limine.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

Sd/-
(K.R.UDAYABHANU)
JUDGE

sk/

//true copy//

P.S. To Judge

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

R.C.R.No.10 of 2007

O R D E R

10th January, 2007.